

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 CIAE-00 INR-07 NSAE-00 HA-05 PM-05
NSC-05 SP-02 SS-15 IO-13 PRS-01 /064 W
-----010007 301709Z /47

R 301151Z NOV 77
FM AMEMBASSY GABORONE
TO SECSTATE WASHDC 1162
INFO AMEMBASSY DARESSLAAM
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY PRETORIA

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E.O. 11652: N/A
TAGS: PINT, RH, SA, BC
SUBJECT: TRIAL OF SOUTH AFRICAN "MERCENARY" TO OPEN

REF: GABORONE 2628

1. GOB ATTORNEY GENERAL'S OFFICE OFFICIAL, DAVID JONES, TOLD US NOVEMBER 28 THAT TRIAL OF SOUTH AFRICAN CITIZEN RENE BERNARD BEYLEVELD WILL PROBABLY BEGIN IN THE NEXT FEW DAYS. DEPARTMENT WILL RECALL THAT BEYLEVELD IS THE ONLY SUSPECT STILL DETAINED OF THE FOUR WHO WERE INVOLVED IN THE OCTOBER 8 INCIDENT AT FRANCISTOWN (REFTEL). BEYLEVELD AND HIS COMPANIONS WERE ALLEGEDLY TRANSITING BOTSWANA TO JOIN RHODESIAN SECURITY FORCES.

2. JONES TOLD US THAT CASE IS FIRST PROSECUTION UNDER BOTSWANA'S STRENGTHENED SECURITY LEGISLATION, AND ITS OUTCOME WILL INDICATE HOW STRICTLY COURTS WILL APPLY THE LAW. BEYLEVELD WILL BE CHARGED WITH CONSPIRING TO ASSIST PERSONS WHO THREATEN THE SECURITY OR SOVEREIGNTY OF BOTSWANA (E.G., RHODESIAN SECURITY FORCES). CONVICTION
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UNDER THIS ARTICLE OF BOTSWANA CRIMINAL CODE CARRIES SENTENCE OF NOT LESS THAN 15 YEARS NOR MORE THAN 25 YEARS IN PRISON.

3. ACCORDING TO JONES, PROSECUTOR IN CASE WILL HAVE NO DIFFICULTY IN ESTABLISHING BEYLEVELD'S INTENT TO BECOME MERCENARY SINCE HE WAS DRESSED IN MILITARY UNIFORM AND

CARRIED LETTERS OFFERING HIM POSITION IN RHODESIAN SECURITY FORCES. NEVERTHELESS, JONES OFFERED PERSONAL OPINION THAT BEYLEVELD WOULD BE ACQUITTED BECAUSE COURT WOULD BE RELUCTANT TO CONVICT DEFENDENT WHERE MANDATORY 15-YEAR SENTENCE IS IMPOSED BY LAW. HOWEVER, JONES TOLD US THAT PRESSURE FROM SOUTH AFRICA ON BEYLEVELD'S BEHALF WOULD NOT PLAY ANY ROLE IN TRIAL BECAUSE OF TOTAL INDEPENDENCE OF BOTSWANA'S JUDICIARY.

4. COMMENT BEYLEVELD'S CASE WILL PROBABLY BE WIDELY PUBLICIZED AND IS LIKELY TO PROVOKE RENEWED MEDIA AND POPULAR CONDEMNATION OF ACTIVITIES OF FOREIGN MERCENARIES WHO SERVE SMITH REGIME. HOWEVER, THE INDEPENDENT BOTSWANA JUDICIARY MAY WELL DECLINE TO TRANSLATE POPULAR INDIGNATION INTO STIFF JAIL SENTENCE FOR BEYLEVELD. OUTCOME OF TRIAL WILL INDICATE SERIOUSNESS WHICH GOB ATTACHES TO ITS NEW SECURITY LAWS AND EXTENT TO WHICH IT MAY APPLY TO OTHER FOREIGNERS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRIALS, MERCENARIES
Control Number: n/a
Copy: SINGLE
Sent Date: 30-Nov-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GABORO03026
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770444-0094
Format: TEL
From: GABORONE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977115/aaaaadng.tel
Line Count: 81
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 679e3b18-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 GABORONE 2628
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 557396
Secure: OPEN
Status: NATIVE
Subject: TRIAL OF SOUTH AFRICAN "MERCENARY" TO OPEN
TAGS: PINT, RH, SA, BC, (BEYLEVELD, RENE BERNARD)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/679e3b18-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009